

## REMARKS

1. This Amendment is responsive to the final Office Action mailed March 13, 2007, the Advisory Action mailed on April 11, 2007, and the Interview Summary mailed on May 14, 2007. Claims 1-34 have been cancelled and new Claims 35-60 have been added. The rejections made in the previous office action are moot in view of the new claims of this application.
2. The Examiner is thanked for the courtesy of granting an interview after final that was conducted by telephone on May 10, 2007. Participating were Examiner Frantz, Examiner Anthony Stashick, and the undersigned. Claims 1, 11, 14 and 15 were discussed, but agreement was not reached on the claims. The undersigned thanks Examiner Frantz and Examiner Stashick for their helpful attitude and comments made during the Interview.
3. Claims 11, 16, 17, 19, 20, 23 and 24 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,855,660 to Danny Wright et al. ("Wright"). As noted in the amendment after final which was filed on March 30, 2007, Claim 11 and its dependent claims distinguish over Wright because Wright did not teach or suggest a motor controller or current driver responsive to an output from a temperature sensor or backpressure sensor. Nevertheless, to expedite prosecution and to better claim the subject matter of this application, new claims have been written. New Claims 44-52 distinguish over Wright for the same reasons advanced in the previous response. Accordingly, new Claims 44-52 are allowable and the Examiner is respectfully requested to advance the claims to allowance.
4. Claims 1, 2, 4, and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,855,660 to Wright et al. ("Wright"), and further in view of U.S. Pat. No. 4,838,856 to Patrick Mulreany et al. (Mulreany"). The Office Action admits that Wright teaches none of the limitations of Claim 1, but does teach a computer memory. Office Action, p. 3, line 18, to p. 4, line 1. The Office Action then states that Wright teaches a computer memory. These claims do not, however, specifically recite a computer or a memory. Claim 2, for instance, does not recite merely storage, but how the position of the pump cycle and the electrical current value are related to each other.

The Office Action then states that Mulreany teaches all the limitations of the claims, while admitting that Mulreany does not teach or suggest that pump position or flow rate are

used as separate factors. Office Action, p. 4, lines 10-14. Using a flow rate and a position of a pump cycle as separate factors in a method for determining a desired electric current value is not simply a design choice, but a new method of driving the infusion pump. The rejection does not even contend that Mulreany uses position in a pump cycle as a factor in determining the electrical current value. The Office Action admits that Wright does not teach all the claim limitations, and does not even contend that Mulreany so teaches or suggests. The Office Action thus fails to make out a *prima facie* rejection, and Claims 1, 2, 4, and 10 are allowable.

Nevertheless, to expedite prosecution and to better claim the subject matter of this application, Claims 1, 2, 4, and 10 have been cancelled and new claims have been written. New Claims 35-43 distinguish over Wright and Mulreany for the same reasons advanced in the above paragraph. Accordingly, new Claims 35-43 are allowable and the Examiner is respectfully requested to advance the claims to allowance.

5. Claims 12-15, 21-22, 25-29, and 31-34 are rejected under 35 U.S.C. § 103(a) as being obvious in view of Wright and U.S. Patent No. 6,659,980 to Sheldon Moberg et al. (“Moberg”). The Office Action admits that Wright fails to teach a stepper motor with an output responsive to temperature changes or back pressure changes. Office Action, p. 5, lines 5-9. Moberg is then cited for these teachings. For the back-pressure sensor, Moberg col. 6, lines 6-14 and col. 9, lines 18-45, are cited. These passages, and nearby passages, teach only that pressure is noted by a pressure sensor and that three output alarm levels can warn the user or generate a signal. There is no teaching or suggestion, in Wright or Moberg, however, that the motor controller or current driver is responsive to the back pressure signal. Moberg also fails to teach or suggest a motor controller or current driver responsive to a temperature sensor. The passage cited, col. 19, lines 21-25, teaches only how to compensate for drift in temperature sensors, but are silent on how this compensation or the temperature sensor itself are used. Thus, Moberg and Wright fail to teach at least the limitations of Claims 14, 15, 21, 22, 25, 26, 27, 32 and 33, which are therefore allowable. Moberg does not mention tubing age.

The Office Action admits that Wright makes no mention of a controller responsive to changes in the age of the tubing. Office Action, p. 2, last three lines, to p. 3, lines 1. Even if a controller and a memory may store the age of the tubing, there is no teaching or suggestion of a controller or current driver responsive to the age of the tubing, i.e., a change in the

computer program operating the motor to compensate for the age of the tubing. Accordingly, Claims 17 and 29 are also allowable.

Nevertheless, to expedite prosecution and to better claim the subject matter of this application, Claims 12-15, 21-22, 25-29, and 31-34 have been cancelled and new claims have been written. New Claims 53-60 distinguish over Wright and Moberg for the reasons advanced in the above paragraph. Accordingly, new Claims 53-60 are allowable and the Examiner is respectfully requested to advance the claims to allowance.

6. For the foregoing reasons Applicants submit respectfully that this case is in condition for allowance. If the Examiner has any questions regarding this case or Response, Applicants request that the attorney below be contacted. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

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May 29, 2007

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